

Remarks

This amendment and response is to the February 6, 2008 Notice of Non-Compliant Amendment that was issued following applicants' submission on January 7, 2008 of an amendment and response to the October 5, 2007.

In the February 6, 2008 Notice, the Legal Instruments Examiner stated that amendments to the claims that were made on January 7, 2008 were non-compliant because the "listing of claims does not include the text of all pending claims (including withdrawn claims)." In the amendment, applicant did not include the text of all withdrawn claims, but merely recited the claim number and the word "withdrawn, e.g., "8. (withdrawn)" when listing the withdrawn claim.

In response, applicants submit an amendment and response which now includes the text of all pending claims, including withdrawn claims 8-18 and 21-23. This amendment and response is otherwise the same as the amendment and response that was filed on January 7, 2008.

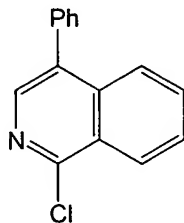
Claims 1 and 19 are currently amended. Claims 2 and 3 have been canceled. Claims 4-7 and 20 are original. Claims 8-18 and 21-23 are withdrawn.

Claim 1 has been amended to include all of the limitations of Claims 2 and 3, which are now canceled. Accordingly, the scope of currently amended Claim 1 is the same as originally filed (and now canceled) Claim 3. Additionally, Claims 1 and 19 have been amended to exclude "crystal forms" and "hydrates."

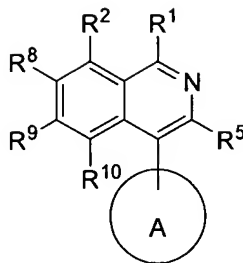
Applicants affirm the election made with traverse to prosecute the invention of Group I, Claims 1-7, 19 and 20, and the species of the second compound in Claim 7. Claims 8-18 and 21-23 are withdrawn from further consideration.

The Examiner required restriction between product and process (method) claims. The Examiner stated that where product claims are found allowable, the withdrawn claims that depend from or otherwise require all of the limitations of the allowable product claim will be considered for rejoinder. Applicants respectfully maintain that withdrawn claims 8-18 all depend from the elected product claims, and that applicant's right to rejoinder is maintained.

The Examiner rejected Claims 1-3 and 5 under 35 USC 102(b) as anticipated by Yamada, et al., which discloses the compound 1-chloro-4-phenylisoquinoline, i.e.:



Applicants originally claimed invention included compounds having the general structure:



in which, according to original Claims 1 and 2, R², R⁵, R⁸, R⁹ and R¹⁰ were defined to include hydrogen, R¹ was defined to include Cl, and "A" was defined to include phenyl. Original Claim 3 limited the scope of the claimed compounds such that R⁹ was defined to only include -OCH₃ and OCHF₂. Accordingly, 1-chloro-4-phenylisoquinoline, disclosed in Yamada, et al., is not within the scope of original Claim 3.

In view of the fact that Claim 1 has been amended to include all of the limitations of original Claim 3, and the fact that original Claim 3 does not encompass 1-chloro-4-phenylisoquinoline, applicants maintain that the claims as amended are not anticipated by Yamada, et al. Reconsideration and withdrawal of the rejection based on Yamada, et al., is respectfully requested.

The Examiner rejected Claims 1-7, 19 and 20 under 35 USC 112, first paragraph, "because the specification, while being enabling for making salts of the claimed compounds, does not reasonably provide enablement for making all crystal forms and hydrates of the claimed compounds." Applicants have amended Claims 1 and 19 to exclude "crystal forms" and "hydrates" of the claimed compounds. Reconsideration and withdrawal of the rejection under 35 USC 112, first paragraph, is respectfully requested.

The Examiner stated that the oath or declaration is defective because the "full name of each inventor (family name and at least one given name together with any initial) has not been set forth." Applicants respectfully maintain that the Declaration is not defective. The Declaration lists inventor "B. Wesley Trotter" as one of the co-inventors, which includes both his family name (Trotter) and one given name (Wesley), in addition to an initial (B.).

Respectfully submitted,

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